



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,413	12/22/2000	Hidenori Takata	35.C15009	8023

5514 7590 06/03/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BONZO, BRYCE P

ART UNIT	PAPER NUMBER
----------	--------------

2114

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,413

Applicant(s)

TAKATA, HIDENORI

Examiner

Bryce P Bonzo

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL OFFICIAL ACTION

Status of the Claims

All previous rejections are vacated.

Claims 1-16 are newly rejected under 35 USC §102.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanno (United States Patent No. 5,943,650).

Kanno discloses:

Claim 1:

a step of restoring a management state of the managed software (column 5, lines 63-65),

wherein the management state of the managed software comprises variable data (column 7, lines 22-32), and

Art Unit: 2114

wherein the value of the variable data is changed in accordance with usage of the managed software (column 7, lines 7-16).

Claim 2:

wherein the value of the variable data is changed by the management software each time the managed software is used (column 7, lines 19-24).

Claim 3:

wherein the managed software comprises plural pieces (column 7, lines 56-59) and wherein the value of said variable data is changed in accordance with usage of the plural pieces of managed software (column 7, lines 62-67).

Claim 4:

a step of storing a predetermined connection address for use in said restoring step (column 10, lines 56-63),

wherein said restoring step further comprises rewriting the variable data in accordance with a predetermined value of data received from a communications line or an external storage medium (column 10, lines 44-51).

Claim 5:

means for restoring a management state of managed software (column 5, lines 63-65); and

Art Unit: 2114

means for connecting to a predetermined site through a network to obtain information for use by the restoring means to restore the management state of the managed software (column 10, lines 44-63),

wherein the management state of the managed software comprises variable data (column 7, lines 16-22),

wherein the value of the variable data is changed in accordance with usage of the managed software (column 7, lines 7-16).

Claim 6:

means for storing management software for managing software (abstract);

means for restoring a management state (column 7, lines 22-32);

means for connecting to a predetermined site through a network to obtain information for use by the restoring means to restore the management state (column 10, lines 44-63);

wherein the management state comprises variable data (column 7, lines 16-22), and

wherein the value of the variable data is changed in accordance with usage of managed software (column 7, lines 7-16).

Claim 7:

wherein the value of the variable data is changed each time the managed software is used (column 7, lines 19-24).

Claim 8:

means for receiving information from a predetermined site and storing the information (column 10, lines 41-51)

wherein said restoring means writes the variable data based on a predetermined value of data transmitted from a communication line or external storage medium (column 10, lines 46-48).

Claim 9:

means for restoring a management state for managing software (column 10, lines 47-49) and;

control means for displaying a predetermined site for connecting to the predetermined site through a network to restore the management state of the management software by said restoring means (column 10, lines 45-51; column 10, lines 41-43; Figure 10).

Claim 10:

wherein the value of the variable data is changed each time the managed software is used (column 7, lines 16-22).

Claim 11:

selection means for restoring the management state by said means for restoring the management state (column 7, lines 22-32).

Claim 12:

means for transmitting information for use in restoring the management state of the management software in response o a request from the information processing apparatus (column 10, lines 45-51),
wherein the management state of the management software comprises variable data (column 7, lines 16-22), and
wherein the value of the variable data is changed in accordance with usage of the application (column 7, lines 7-16).

Claim 13:

wherein the value of the variable data is changed each time the managed software is used (column 7, lines 19-24).

Claim 14:

means for storing information for use in restoring a management state for plural pieces of management software (column 7,lines 56-59).

Claim 15:

means for storing different pieces of information for each piece of managed software to restore the management state for plural pieces of managed software (Figure 16,

Art Unit: 2114

items 38 are two separate battery/counters for separate pieces of managed software).

Claim 16:

means for displaying contents of means for storing information for restoring the management state of plural pieces of application software (column 6, lines 21-25).

Final Disposition

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryce P Bonzo
Examiner
Art Unit 2114


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100